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The Arizona Court Reporters Association believes that Rule 123(b)(16), which contains the definition of “record” to read as “sound recordings or other materials, regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of any official business by the court, and preserved or appropriate for preservation by the court as evidence of the organization, functions, policies, decisions, procedures, operations or other governmental activities,” could include the audio record of court proceedings such as the FTR system currently in use in Arizona courts.

ACRA believes that audio recordings of court proceedings should be specifically excluded from Proposed Section 123(j), Bulk or Compiled Data Dissemination in Bulk. When there is an official court reporter present, the official record is prepared by the official court reporter. ACRA does not believe that the integrity of the record could be protected if companies wishing to resell audio recordings of court proceedings were allowed access to these audio files pursuant to the proposed amended Rule 123. The audio records would not be redacted and could include confidential information, including but not limited to off-the-record discussions and attorney-client conversations and personally identifying information, (social security numbers) which could be released to the public if proper safeguards are not put into place. Thank you for your consideration in this matter.

Sincerely yours,

Diane L. Sonntag, President
Arizona Court Reporters Association